

**SEPARATE STATEMENT OF
COMMISSIONER KATHLEEN Q. ABERNATHY**

*Re: Section 272(b)(1)'s "Operate Independently" Requirement for Section 272
Affiliates, Notice of Proposed Rulemaking (adopted Nov. 3, 2003).*

As explained in my dissent to the companion order denying Verizon's petition for forbearance from the OI&M rule, I believe the Commission has improperly construed section 10(d) of the Act, and thus has improperly denied forbearance. But I am pleased that the Commission is willing to consider elimination of the ban on sharing OI&M functions in this rulemaking, and I look forward to a decision on the merits.